

Bruce Hamilton, Chairman
Jessie H. Roberson
Joyce L. Connery

**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Washington, DC 20004-2901



July 1, 2020

To the Congress of the United States:

As required by 42 United States Code § 2286c(b)(2)(B)(i), the enclosed report identifies each request for access to information that the Defense Nuclear Facilities Safety Board submitted to the Secretary of Energy in written form during the six-month period ending June 30, 2020, and that the Secretary denied. During the last six months, the Board has experienced a number of delays in access to information, but the only outright denial is documented in the enclosed report.

Delays in access to information impact the Board's ability to perform timely field oversight activities and remain a concern. The Board continues to seek a meeting with the Secretary of Energy to discuss methods to improve the effectiveness of our interface with the Department of Energy.

Yours truly,

A handwritten signature in black ink, appearing to read "Bruce Hamilton", written in a cursive style.

Bruce Hamilton
Chairman

Enclosure

c: The Honorable Dan Brouillette

Report to Congress – DNFSB Access to Information

As required by 42 United States Code (USC) § 2286c(b)(2)(B)(i), this report identifies each request for access to information that the Defense Nuclear Facilities Safety Board (Board) submitted to the Secretary of Energy in written form during the six-month period ending June 30, 2020, and that the Secretary denied. The Board identified one case where the Secretary denied it access to information related to nuclear explosive safety at the Pantex Plant.

Access to Information – Denied

- **Pantex Safety Deliberations**—On June 12, 2019, and October 11, 2019, the Board communicated to the Secretary that the Board requires access to all phases of the Nuclear Explosive Safety (NES) study process, including access to deliberations of NES study groups. Access to deliberations allows the Board to observe the National Nuclear Security Administration’s (NNSA) evaluation and disposition of nuclear safety issues, which is an essential part of the Board’s oversight of nuclear explosive safety. Despite these written requests, NNSA prohibited our Pantex resident inspector from observing the deliberation phase of a NES change evaluation on April 13, 2020.

The Board wrote the Secretary again on April 16, 2020, to reaffirm that it requires access to all phases of the NES evaluation process. On April 23, 2020, the NNSA Administrator replied to the Board’s October 11, 2019, letter to the Secretary stating that NNSA would allow access as a “trial” subject to several conditions, but explicitly reserved the right for chairs of NES study groups to deny access to deliberations if they see fit to do so. The Board issued a final reply to the Secretary on June 3, 2020, affirming Board oversight of all phases of NES evaluations consistent with 42 USC § 2286c(a).